

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, MAY 8, 2024

REGULAR MEETING (IN-PERSON AND REMOTE ACCESS VIA ZOOM)

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Jose Lopez, Vice President Alex Lemberg, Commissioner Rick Swig, Commissioner John Trasviña, and Commissioner J.R. Eppler.

Jen Huber, Deputy City Attorney, Office of the City Attorney (CAT); Corey Teague, Zoning Administrator, Planning Department (PD); Kevin Birmingham, Acting Chief Building Inspector, Department of Building Inspection (DBI); Obiajulu Nzewi, Groundwater Program Manager, San Francisco Public Utilities Commission (SFPUC); Julie Rosenberg, Executive Director; Alec Longaway, Legal Assistant.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. At the discretion of the Board President, public comment and remote public participation may be limited to two minutes per person. If it is demonstrated that public comment and remote public participation will cumulatively exceed 15 minutes, the President may continue Public Comment and/or remote public participation to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: President Lopez noted that the parties present at the hearing had been rescheduled from the last hearing, and he thanked them for bearing with the process and for being present tonight.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the April 17, 2024 minutes.

ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to adopt the April 17, 2024, hearing minutes as amended by Vice President Lemberg.

PUBLIC COMMENT: None.

(4) APPEAL NO. 24-025

<p>SPENCER GOSCH, Appellant(s)</p> <p>vs.</p> <p>HISTORIC PRESERVATION COMMISSION, Respondent</p>	<p>945-947 Minnesota Street. Appealing the ISSUANCE on February 21, 2024, to Wilmington Savings Fund Society, of a Certificate of Appropriateness (COA) (adopting findings for a COA for major alterations determined to be appropriate for and consistent with the Planning Code and to meet the Secretary of the Interior's Standards for Rehabilitation; the proposed project abates Planning Enforcement Case No. 2022-005853ENF for work completed beyond the scope of work that was previously approved under Historic Preservation Commission Motion No. 0422 (2019-005728COA); the project includes reconstruction of the rear portion of the building and construction of a two-story, approximately eight-foot-deep addition within the required rear yard meeting the requirements for permitted obstructions in required open areas; the project would also modify some window openings on non-primary facades and add a roof deck accessible by a three-story spiral stair and another deck above the rear addition). RECORD NO. 2023-001148COA. FOR HEARING TODAY. Note: This Item was on the April 17, 2024, calendar, but not heard. President Lopez recessed that hearing at 10:26 p.m., and rescheduled this Item to the May 8, 2024, given the late hour.</p>
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ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to deny the appeal and uphold the determination on the basis that it was properly issued.

SPEAKERS: Spencer Gosch, appellant; Corey Teague, PD; Suheil Shatara, agent for Permit Holder.

PUBLIC COMMENT: Annette Carrier spoke in support of the appellant.

ITEMS (5A), (5B) & (5C) SHALL BE HEARD TOGETHER

(5A) APPEAL NO. 23-050

<p>JOERG RATHENBERG, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>617 Sanchez Street. Appealing the ISSUANCE on October 6, 2023, to JW Sanchez LLC, of a Demolition Permit (to demolish a 2-story, single-family dwelling). PERMIT NO. 2019/01/15/0390. FOR HEARING TODAY. Note: This Item was on the April 17, 2024, calendar, but not heard. President Lopez recessed that hearing at 10:26 p.m., and rescheduled this Item to the May 8, 2024, given the late hour.</p>
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ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

(5B) APPEAL NO. 23-057

<p>JOERG RATHENBERG, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>617 Sanchez Street. Appealing the ISSUANCE on November 2, 2023, to JW Sanchez LLC, of a Demolition Permit (to demolish a one-story, Type 5, detached garage structure; existing single family home to remain the same). PERMIT NO. 2022/05/20/4730. FOR HEARING TODAY. See Note in 5(A) above.</p>
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ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

(5C) APPEAL NO. 23-051

<p>JOERG RATHENBERG, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>617 Sanchez Street. Appealing the ISSUANCE on October 6, 2023, to JW Sanchez LLC, of a Site Permit (to erect four stories, no basement, Type V-A, single-family residence). PERMIT NO. 2019/01/15/0391. FOR HEARING TODAY. See Note in 5(A) above.</p>
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ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to grant the appeal and issue the permit on the condition it be revised to require third-party peer review by a licensed geotechnical engineer. This motion was made on the basis that this condition provides a thorough review for the safety and security of the neighbor.

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SPEAKERS: Sue Hestor, attorney for appellant; Joerg Rathenberg, appellant; Albert Urrutia, agent for appellant; Benafsha Irani, appellant; Justin Zucker, attorney for permit holder; Robert Edmonds, agent for permit holder; Sammie Host, agent for permit holder; Corey Teague, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: Georgia Schuttish spoke in support of the appellant.

(6) APPEAL NO. 24-013

<p>SUNSET PARKSIDE EDUCATION AND ACTION COMMITTEE (SPEAK), Appellant(s)</p> <p>vs.</p> <p>PLANNING COMMISSION, Respondent</p>	<p>520 John Muir Drive.</p> <p>Appealing the ISSUANCE on January 25, 2024, to the San Francisco Public Utilities Commission (SFPUC), of a Coastal Zone Permit (the SFPUC project is for the demolition of seven, one-story recreational structures and soil remediation around four existing skeet shooting fields on an approximately 11-acre site that was previously operated by the Pacific Rod and Gun Club as skeet and trap shooting facilities from 1934 to 2015 and Gun Club; the Coastal Zone Authorization is being sought to allow for soil remediation around the existing skeet field, for anticipated soil decontamination, and the demolition of seven existing recreational structures; the buildings that would be demolished include a club house, rifle range building, caretaker's house, shell house, a trap house, and the ancillary structures include a restroom building, garage and a barbeque shed that were previously used by Pacific Rod and Gun Club for use as a shooting facility for skeet and trap shooting; the project does not propose any new structures or change of use at the Project Site).</p> <p>RECORD NO. 2019-014146CTZ. FOR HEARING TODAY.</p> <p>Note: This Item was on the April 17, 2024, calendar, but not heard. President Lopez recessed that hearing at 10:26 p.m., and rescheduled this Item to the May 8, 2024, given the late hour.</p>
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ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to deny the appeal and uphold the determination on the basis that the project conforms to the requirements and objectives of the San Francisco Local Coastal Program, and with the adoption of Findings 1-10 found in Planning Commission Motion No. 21496.

SPEAKERS: Eileen Boken, agent for appellant; Obi Nzewi, agent for permit holder (SFPUC); Corey Teague, PD.

PUBLIC COMMENT: An unidentified caller spoke in support of the appellant.

(7) SPECIAL ITEM

Discussion and Possible Action: The Board will consider proposed changes to various provisions of the Board's Rules with possible adoption of these changes.

ACTION: None.

SPEAKERS: President Lopez, Vice President Lemberg, Commissioner Swig, Commissioner Trasviña, and Commissioner Eppler.

President Lopez noted that Commissioner Trasviña submitted proposed changes to the Rules after the Agenda Item had been posted. After a discussion among the commissioners, it was decided that the amendment of the Rules should be considered at a future date with the incorporation of Commissioner Trasviña's proposed changes.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lopez adjourned the meeting at 9:52 p.m.

The supporting documents for this meeting can be found at the following link:
<https://www.sf.gov/meeting/may-8-2024/board-appeals-hearing-may-8-2024>

A video of this meeting, can be found at the following link:
https://sanfrancisco.granicus.com/player/clip/46095?view_id=6&redirect=true